

IN RE: PETITION FOR VARIANCE  
E/S Glenwilde Road, 50' S of  
the c/l of Moorefield Road  
(1319 Glenwilde Road)  
1st Election District  
1st Councilmanic District  
  
Ronald Rodriquez, et ux  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 95-495-A  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1319 Glenwilde Road, located in the vicinity of Rolling Road and Route 40 West in Catonsville. The Petition was filed by the owners of the property, Ronald and Rose Rodriquez. The Petitioners seek relief from Sections 400.1 and 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard, in the third of the lot farthest removed from any street, and to permit an existing fence with a height of 48 inches in lieu of the maximum permitted 42 inches. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Ronald and Rose Rodriquez, property owners. Appearing in opposition to the request were Robert and Susan Kennedy, adjoining property owners, and Donald and Anna Yakel, and Margaret Carr, nearby residents of the area.

It should be noted that this property was the subject of prior Case No. 95-281-A in which the Petitioners filed a similar request for variance. In that case, the Petitioners sought a variance to place the proposed carport on the south side of their property in the front yard and

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Date

By

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requested a height variance for the existing fence that was partially located in the front yard of the Kennedy property. That Petition was filed as a result of a zoning violation notice the Petitioners received from the then Zoning Administration and Development Management (ZADM) office as to the height of the fence in question. Prior to the hearing, the Petitioners lowered the height of their fence across the rear property line in an effort to comply with the zoning regulations, and requested permission to keep the remainder of the fence at 48 inches. The Petition was filed through the administrative variance process, wherein the property is posted for a period of fifteen (15) days during which time any party has the opportunity to request a public hearing or voice opposition to the request. A request for public hearing was filed by the adjoining property owners, Robert and Susan Kennedy, and a hearing was held on March 10, 1995 to resolve the matter. At that hearing, the Petitioners offered testimony and evidence to support the variance for the fence in that they had applied for and obtained the requisite building permit from Baltimore County. However, the information they submitted to Baltimore County at the time of application lacked the surrounding orientations of adjoining properties and the individuals involved in reviewing the permit application were unaware of the orientation of this property to the Kennedy property. In any event, at the hearing held in that matter, both the Kennedys and Ms. Yakel offered strong testimony in opposition to the request and by Order issued March 30, 1995, the variance was denied and the Petitioners were required to modify the height of the remaining fence to comply with the zoning regulations. The Petitioners could have filed an appeal of that decision but failed to do so. The Petitioners now come before me under a new Petition for Variance seeking similar relief.

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Date

By

The subject property consists of 0.174 acres, more or less, zoned D.R. 5.5 and is improved with a 1.5 story single family dwelling, and a 4-foot high fence which, for the most part, runs along the perimeter of the Petitioners' property line. This fence is more particularly outlined on Petitioner's Exhibit 1 with "X" marks. Due to the unusual layout of the lots in this subdivision, the rear property line of the subject property abuts the front property line of the Kennedy property. Furthermore, this property is a corner lot, located at the intersection of Glenwilde Road with Moorefield Road. As a result of this unique configuration, any fence on the subject property would be located adjacent to the front yard of the Protestants' property.

At the hearing on this matter, no new evidence was offered to support the Petitioners' request. The only difference now is that in the course of investigating the complaint concerning the fence on the subject property, it was discovered that the Kennedys also have a fence which exceeds the 42-inch height limitations in various locations where their rear property line abuts the front property line of another property. Furthermore, the Kennedy fence was erected without benefit of a building permit. Thus, the Kennedys were forced to file a Petition for Variance to legitimize their fence and their case was heard two days after the instant case. At both hearings, all neighbors present opposed the fences being in excess of the permitted 42 inches in height. Given the fact that nothing has changed since the previous case was heard in March of this year, the requested variance to permit the remainder of the Petitioners' fence to stay at its present height of 48 inches must be denied. Thus, a restriction will be imposed at the end of this Order requiring the Petitioners to reduce the height of the remaining fence to 42 inches.

As noted above, the Petitioners also requested a variance to permit a detached carport to be located on the north side of their dwelling facing Moorefield Road. At the prior hearing, the Petitioners requested permission to locate this carport on the south side of their home, adjacent to an existing driveway. The Protestants were vehemently opposed to that request, due to the fact that the proposed carport would essentially be located in front of the Protestants' dwelling. For the same reasons that the previous request was denied, this request must also be denied. Even though the carport is proposed to be located on the north side of the property, any development on the subject lot will essentially be located in front of the Protestants' property. Furthermore, this property is a corner lot and the proposed location for this carport was on the north side of the dwelling, facing the intersection. Lastly, it was clear from the opposing testimony that a variance to permit the location of the proposed carport in the side yard cannot be granted without adversely affecting the health, safety and general welfare of the surrounding community.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 22<sup>nd</sup> day of August, 1995 that the Petition for Variance seeking relief from Sections 400.1 and 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard, in the third of the lot farthest removed from any street, and to permit an existing fence with a height of 48 inches in lieu of the maximum permitted 42 inches, be and is hereby DENIED; and,

ORDER RECEIVED FOR FILING  
Date 8/22/95  
By [Signature]

IT IS FURTHER ORDERED that the Petitioner's shall reduce the height of the remaining fence on their property from 48 inches to 42 inches within forty-five (45) days of the date of this Order.

*Timothy M. Kotroco*

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
8/22/95  
By: [Signature]

MICROFILMED

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

August 22, 1995

Mr. & Mrs. Ronald Rodriguez  
1319 Glenwilde Road  
Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE  
E/S Glenwilde Road, 50' S of the c/l of Moorefield Road  
(1319 Glenwilde Road)  
1st Election District - 1st Councilmanic District  
Ronald Rodriguez, et ux - Petitioners  
Case No. 95-495-A

Dear Mr. & Mrs. Rodriguez:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Robert L. Kennedy  
1317 Glenwilde Road, Catonsville, Md. 21228

Mr. & Mrs. Donald Yakel  
1314 Glenwilde Road, Catonsville, Md. 21228

Ms. Margaret M. Carr  
1400 Glenwilde Road, Catonsville, Md. 21228

People's Counsel  
Case File





# Petition for ~~Administrative~~ Variance

95-495-A

## to the Zoning Commissioner of Baltimore County

for the property located at 1319 Glenwilde Road  
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 & 427

To permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard & in the 1/3 of the lot farthest removed from any street & to permit an existing fence height of 48" in lieu of the maximum permitted 42".

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

*See attachment*

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee.

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address Phone No

City State Zipcode

Legal Owner(s):

Ronald Rodriguez  
(Type or Print Name)

Signature

Rose Therese Rodriguez  
(Type or Print Name)

Signature

1319 Glenwilde Road  
Address

Catonville,  
City

MD  
State

21228  
Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

\_\_\_\_\_  
Zoning Commissioner of Baltimore County

REVIEWED BY: gf DATE: 6-26-95

ESTIMATED POSTING DATE: \_\_\_\_\_



Printed with Soybean Ink  
on Recycled Paper

ITEM #: 487

ORDER RECEIVED FOR FILING

Date



# Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1319 Glenwilde Road  
address Catonsville, MD 21228  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) Practical Difficulty and Undue Hardship:

Reduction in the height of the fence would preclude the applicants from securing their two large dogs, as well as depreciate the beauty and worth of their property. The proposed change in the fence restrictions is only six inches which does not deviate from the spirit of the fence ordinance. Additionally, the applicants made a good faith effort to insure the legality of their fence prior to its construction. A builder's permit was obtained in advance by their fence contractor.

Placing a garage or carport in the required location would place the structure at the neighbor's front door, and it would be aesthetically unpleasant to the community at large. Locating the structure on the Moorefield side of the applicant's house would minimize the impact on the community, while continuing to serve the needs of the applicants.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Ronald Rodriguez  
(signature)  
(type or print name)



Rose Therese Rodriguez  
(signature)  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 25<sup>th</sup> day of June, 19 95, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Ronald Rodriguez + his wife Rose Therese Rodriguez

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

25 June 95  
date



Jerome Block  
NOTARY PUBLIC  
My Commission Expires: 1 Nov 95  
1338 Balt Ave  
Elkridge, MD 21042

MICROFILM



**1. PRACTICAL DIFFICULTY:**

- (i) *Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.*

The applicants purchased the fence in order to protect their property, enhance the beauty and worth of their property, and secure two large dogs. Unless the applicants are allowed to maintain their fence in the manner for which they were issued a permit, they will be unable to accomplish these goals. In particular, the dogs are approximately one year old and have already demonstrated that they can jump over the existing rear fence wall, which was cut down to comply with the fence height regulations. In addition, cutting the remaining portions of the fence which are non-compliant with the zoning regulations defaces the entire fence. As a result this action will decrease the property value of the applicant's home, and consequently their neighbors' homes.

Placing a carport or attached garage to the Northwest side of the house allows the applicants to build a structure which protects their vehicles and provides for additional storage space. In addition, that location (on the Moorefield road side of the applicant's house) prevents the applicants from having to build this structure directly in front of the property at 1317 Glenwilde. The currently required position of any carport or garage is on the Southeast portion of the applicants lot, which is located at the front entrance of the house at 1317 Glenwilde Road.

- (ii) *Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.*

The applicants made a strong effort to ensure the fence would be constructed legally and soundly. In this effort, the applicants researched the county ordinances regarding fences by making inquiries to the Baltimore County Office of Zoning Enforcement and the Baltimore County Office of Permits and Licenses. Acting in good faith, the applicants secured a permit through the actions of their fence contractor, Abbey-Fritz Fence Company, prior to the erection of the fence. The applicants were wholly unaware of the zoning violation of their fence until the Office of Zoning Enforcement issued them a statement regarding the violation, at the request of a neighbor. The arrangement of the applicant's property relative to their immediate neighbors is peculiar. Of the six properties derived from the former Booth estate, two fences were built, both of which are in violation of the fence height code. Both property owners (1317 Glenwilde, and 1319 Glenwilde) are now seeking a variance from the same ordinance.

ORDER RECEIVED FOR FILING

Date

By

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#487

The currently required position for the erection of a carport or garage is aesthetically unpleasant to the community at large. This has been made clear by a meeting of the Westview Park Improvement and Civic Association. Changing the required location would serve to both meet the applicant's needs, while serving the best interest of the community.

- (iii) *Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.*

The proposed change in the fence restrictions is only six inches, and does not deviate from the spirit of the fence ordinance, nor does it decrease public safety or welfare. The proposed construction of a carport, or attached garage at the Northwest side of the house minimizes the impact on the community, while continuing to serve the needs of the applicants.

## 2. UNDUE HARDSHIP:

- (i) *Applicant must be unable to secure a reasonable return or make any reasonable use of his property.*

Unless the fence is allowed to stand at 48 inches, the fence will not adequately secure the two dogs for whom the fence was built. In addition moving the fence in 10 feet from any direction would render the rear and side yard virtually unusable.

- (ii) *The difficulties or hardship is peculiar to the subject property, in contrast to other properties in this zoning district.*

The arrangement the applicant's property in relation to their neighbors is unique, as a result of unusual property divisions, which were drawn in such a way as to maximize the profit of the former owner and contractor, Thomas Booth.

- (iii) *Hardship was not the result of applicant's own actions.*

A good faith effort was made to insure that all zoning regulations and county ordinances would be met prior to construction of the fence. A builder's permit was obtained in advance outlining the proposed construction.

ORDER RECEIVED FOR FILING  
Date 8/20/95  
By [Signature]

95-495-A

## Zoning Description

### ZONING DESCRIPTION FOR 1319 Glenwilde Road

Election District 1

Councilmanic District 1

Beginning at a point on the east side of Glenwilde Road which is 50 feet wide at a distance of 50 feet south of the centerline of the nearest improved intersecting street Moorefield Road which is 50 feet wide. \*Being Lot #2, Block 1300, Section #8 in the subdivision of Westview Park as recorded in Baltimore County Plat Book #64, Folio #41, containing 0.174 Acres and 7,563 Square Feet.

# 487

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

95-495-12

District 1st Date of Posting 7/22/95

Posted for: Variances

Petitioner: Ronald + Rose Re Liguore

Location of property: 1319 Glenwilde Rd, FL

Location of Signs: Facing road way on property being zoned

Remarks: 7/15 - checked location signs had been changed

Posted by [Signature] Date of return: 7/28/95

Number of Signs: 1

MICROFILMED

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-495-A  
(Item 487)  
1319 Glenwilde Road  
E/S Glenwilde Road, 50' S  
of 01 Moorefield Road  
1st Election District  
1st Councilmanic

Legal Owner(s):  
Ronald Rodriguez and  
Rose Theresa Rodriguez  
Hearing: Monday

August 7, 1995 at 11:00  
a.m. in Rm. 118, Old  
Courthouse.

Variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard and in the third of the lot farthest removed from any street; and to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handi-  
capped Accessible; for special ac-  
commodations. Please Call  
887-3353.

(2) For information concern-  
ing the File and/or Hearing, Please  
Call 887-3391.

7/135 - July 13.

## CERTIFICATE OF PUBLICATION

TOWSON, MD.,

July 14, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 13, 1995.

THE JEFFERSONIAN,

A. H. Harrison

LEGAL AD. - TOWSON

~~Published~~

95-495-A

1319 Glenwilde Road  
E/S Glenwilde Road, 50' S of c/l Moorefield Road  
1st Election District - 1st Councilmanic

Legal Owner(s): Ronald Rodriguez and Rose Therese Rodriguea

HEARING: AUG 7 1995 at 11 a.m. Rm. 118 Old Courthouse.

Variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard and in the third of the lot farthest removed from any street; and to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches.

Post by: 7/23/95

**BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT**

95-195-A  
No.

77-0000

DATE 6-16-75 ACCOUNT R-001-615

AMOUNT \$ 85.00

RECEIVED FROM: R. Rodriguez CITEM 457

OLD VARIANCE - \$50. -

OBJ SIGN . . . - # 35 . -

FOR: \_\_\_\_\_

[illegible]**VALIDATION OR SIGNATURE OF CASHIER**

**DISTRIBUTION**  
WHITE - CASHIER      PINK - AGENCY      YELLOW - CUSTOMER

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 487

Petitioner: Dr. Ronald and Mrs. Rose Rodriguez

Location: 1319 Glenwilde Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Rose Rodriguez

ADDRESS: 1319 Glenwilde Road  
Catonsville, MD 21228

PHONE NUMBER: 744-9318

AJ:ggs

RECEIVED

(Revised 04/09/93)

TO: PUTUXENT PUBLISHING COMPANY  
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Ronald and Rose Rodriguez  
1319 Glenwilde Road  
Catonsville, MD 21228  
744-9318

---

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-495-A (Item 487)  
1319 Glenwilde Road  
E/S Glenwilde Road, 50' S of c/l Moorefield Road  
1st Election District - 1st Councilmanic  
Legal Owner(s): Ronald Rodriguez and Rose Therese Rodriguez  
HEARING: MONDAY, AUGUST 7, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard and in the third of the lot farthest removed from any street; and to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

APPROVED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-495-A (Item 487)  
1319 Glenwilde Road  
E/S Glenwilde Road, 50' S of c/l Moorefield Road  
1st Election District - 1st Councilmanic  
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HEARING: MONDAY, AUGUST 7, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard and in the third of the lot farthest removed from any street; and to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director  
Department of Permits and Development Management

cc: Ronald and Rose Rodriguez

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 31, 1995

Mr. and Mrs. Ronald Rodriguez  
1319 Glenwilde Road  
Catonsville, Maryland 21228

RE: Item No.: 487  
Case No.: 95-495-A  
Petitioner: R. Rodriguez, et ux

Dear Mr. and Mrs. Rodriguez:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", is written over the word "Sincerely,".

-W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: July 26, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 1319 Glenwilde Road

INFORMATION:

Item Number: 487

Petitioner: Rodriguez Property

Property Size: \_\_\_\_\_

Zoning: DR-5.5

Requested Action: Variance

Hearing Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard and in the 1/3 of the lot farthest removed from any street and to permit a fence height of 48 inches in lieu of the permitted 42 inches.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: Jeffrey M. Zs

Division Chief: Carol L. Kerns

PK/JL

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: July 24, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review

RE: *RWB* Zoning Advisory Committee Meeting  
for July 17, 1995  
Items 479, 481, 482, 483, 484, 487, 488, 489, 12  
490, 491, 492, 493, 495 and 496

The Development Plans Review Division has reviewed  
the subject zoning item and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/13/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 10, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 478,479,480,481,482,  
484,487,488,490,491,492,493 AND 495. 12

RECEIVED

JUL 18 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

6/13/95



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 7/18/95

FROM: DEPRM  
Development Coordination

SUBJECT: Zoning Advisory Committee  
Agenda: 7/10/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 478

479

480

481

483

484

485

486

487

489

490

491

494

496

revised 467

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED



Maryland Department of Transportation  
State Highway Administration

Hal Kassoff  
Administrator

7-7-95

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 487 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

RE: PETITION FOR VARIANCE  
1319 Glenwilde Road, E/S Glenwilde Rd,  
50' S of c/l Moorefield Road, 1st  
Election District - 1st Councilmanic

Ronald and Rose Therese Rodriguez  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 95-495-A

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO

Deputy People's Counsel

Room 47, Courthouse

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Ronald and Rose Therese Rodriguez, 1319 Glenwilde Road, Baltimore, MD 21228, Petitioners.

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN



MARGARET M. CARR  
1400 GLENWILDE ROAD  
CATONSVILLE, MD 21228

7 August 1995

Zoning Commissioner  
Baltimore County  
Towson, Maryland

RE: 95-495A

- 1) I object to the style of the fence, not the fence itself. However, I do understand that the posts have been cemented in the ground and to alter the fence at this point may be more detrimental than leaving it as is.
- 2) I strongly object to the placement of a carport for this home anywhere but as an attachment to the left side (corner side) of the lot. Any placement elsewhere would not be in keeping with the neighborhood, and would possibly obstruct the visibility of a home that is in the direct rear of this lot.

I understand the Dr. and Mrs. Rodriguez would like to protect their cars. Other folks in our neighborhood have accomplished this by purchasing special canvas-type covers for their cars. Carports and garages are not common in our neighborhood, and as far as I know there is only one garage on our street, in a rear lot, that abuts the rear yard of another dwelling.

The anomaly of this whole situation is that this lot is in the front yard of another home. I duly respect the wishes of the inhabitants, but they, along with zoning, must realize that there is a dwelling within 20 feet of this lot and aesthetically the appearance of any structure or fence should be intelligently considered in this context.

Also, this home is an undersized home on an undersized lot. It does not conform with the rest of the neighborhood, which is of great concern to the community.

Sincerely yours,



Margaret M. Carr

MICROFILMED

August 5, 1995

To Whom It May Concern,

I am writing in reference to the proposed and existing variances at 1319 Glenwilde Rd. I reside at 1316 Glenwilde Rd which is across the street from this property. My concern in this issue is the appearance of the street and the impact on the value of our homes.

The homes that were built are on much smaller lots than any homes in Westview Park. I do not feel that they are conducive to additions which will be obstructive to another property. The existing fence is obstructive to 1317 Glenwilde Rd. I am objecting to a carport on the right side of this property which will further obstruct the front of 1317 Glenwilde Rd. I do not see a problem with the height of the fence or a carport being placed on the left side of the house. When deciding this issue the cosmetic appearance of the street

MICROFILMED

needs to be a consideration. Ultimately  
we will all be affected by the  
decision.

Sincerely,  
Patricia Kees  
1316 Glenwilde Rd  
Baltimore, Maryland

August 4, 1995

We, the undersigned, are residents living on Glenwilde Road in Westview Park in Baltimore County.

We are concerned about a Zoning Variance which was applied for at 1319 Glenwilde Road to allow a 48 inch fence to remain which is against County Code. A carport was also requested to be erected either on the left hand side of the home or in the rear of the same home.

There was a previous hearing on this matter and a decision was rendered by the Deputy Zoning Commissioner Timothy Kotroco March 30, 1995.

We, the neighbors, are very upset by the appearance of this fence. We feel the fence in its present configuration greatly affects the appearance of the mansion and does not conform to the uniformity of the neighborhood.

Included in the request for a variance is the erection of a carport. We also strongly object to this request for variance for the same reasons as above.

At a meeting held by the Westview Association with Mr. and Mrs. Rodriguez and the concerned neighbors several suggestions were offered. One of which was to bring the fence in approximately 8 to 10 feet only on the right hand side. This would provide a more pleasing appearance. And furthermore, there would be no objection to a carport being erected on the left side of the house.

All references to right and left in the above paragraphs are to be construed as facing the front of 1319 Glenwilde Road.

2

11/10/95

We are speaking as a very concerned group, wanting to keep our block attractive and in uniform with the rest of Westview.

We would appreciate your cooperation in helping us with this matter.

Sincerely,

NAME

ADDRESS

Patricia Rites	1316 Glenwilde Rd - 21228
Ethel Bruner	1318 Glenwilde Rd 21228
Kathy Kuhlman	1410 Glenwilde Rd 21228
Margaret V. Can	1400 Glenwilde Rd 21228
M. Robert Buterbaugh	1405 Glenwilde Rd 21228
A. J. Solano (OBJECTION TO CAR PORT)	1302 Glenwilde Rd 21228 → NO OBJECTION TO FENCE RJB 8/5/95
Mr & Mrs. Earl H. Lewis	1406 Glenwilde Rd. 21228
Mr. & Mrs. John Seich	1404 Glenwilde Rd 21228
Mr & Mrs Donald Gabel	1314 Glenwilde Rd 21228
Craig S. Kahl	1312 Glenwilde Rd 21228

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

RONALD RODRIGUEZ

1319 Glenwilde Road

Rose RODRIGUEZ

1319 Glenwilde Road

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# Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1319 Glenwilde Road

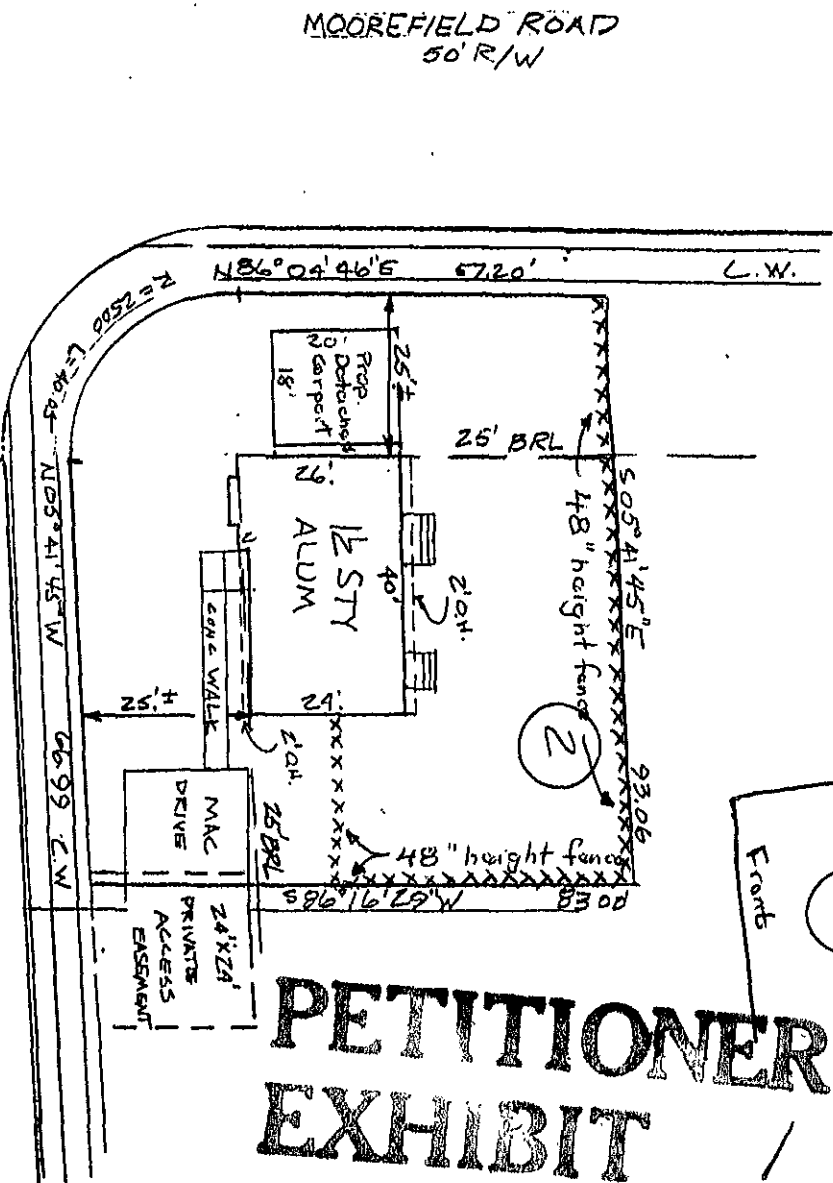
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Westview Park

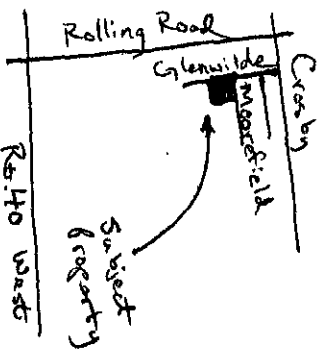
plat book # 64, folio # 41, lot # 2, section # 8

OWNER: Ronald & Rose Rodriguez

95-495-A



## PETITIONER'S EXHIBIT



### LOCATION INFORMATION

Election District: 1  
Councilmanic District: 1

T=200' scale map#: SW-16

Zoning: D R 5.5

Lot size: 0.174 acreage 7,563 square feet

SEWER: ☒ public ☐ private  
WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: Yes  
95-281-A

### Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

88 487



North

date: 06/11/95

prepared by: R.T.R.

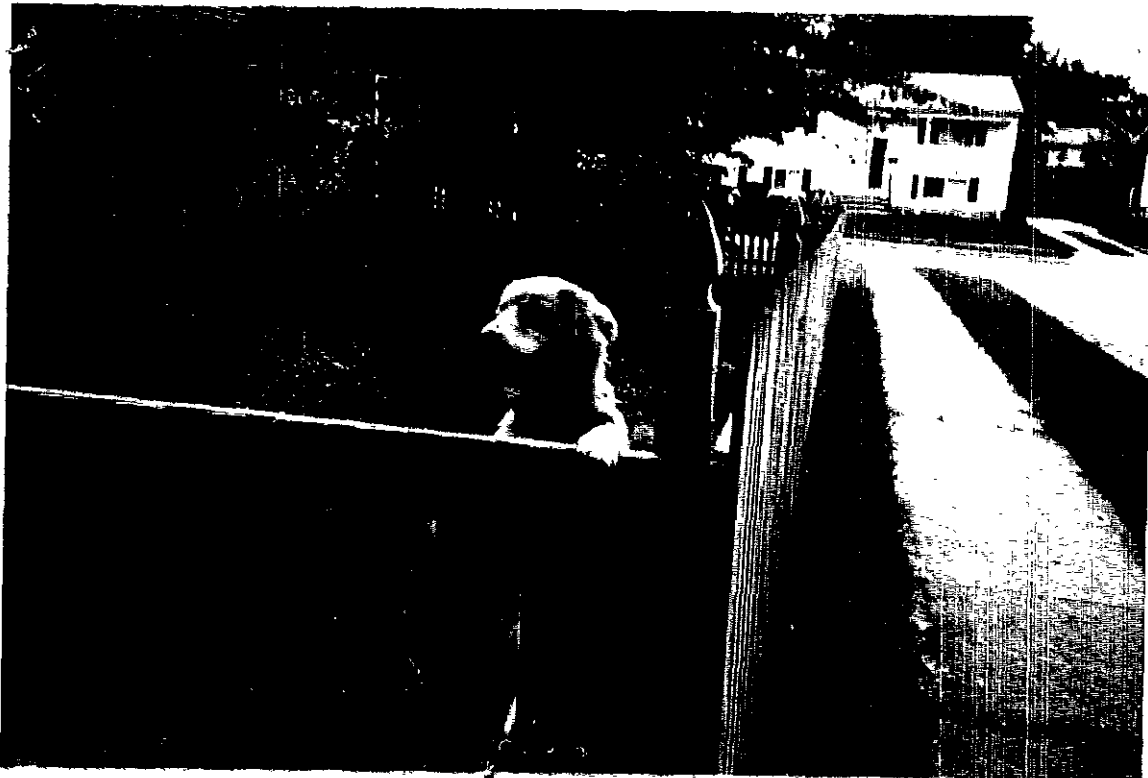
Scale of Drawing: 1" = 30'

GLENWILDE ROAD

50' R/W

PETITIONER(S) EXHIBIT ( )

Location of side & rear yard in which section 427 applies.  
 Note height of rear fence is 40" & height of side is 48 inches

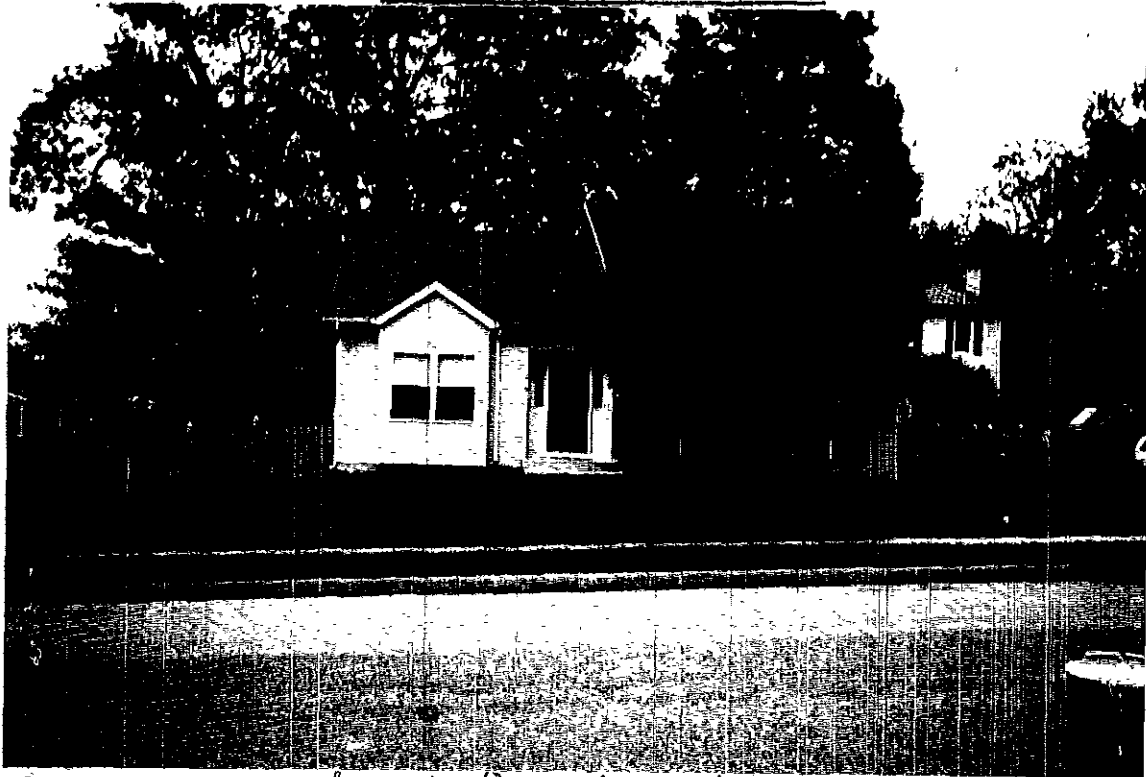


#487

Pictures indicate that the height of the fence at 48 inches does not affect the appearance of the ~~house~~ neighbors house, but it does secure the protection of the dog.



## PETITIONER(S) EXHIBIT ( )



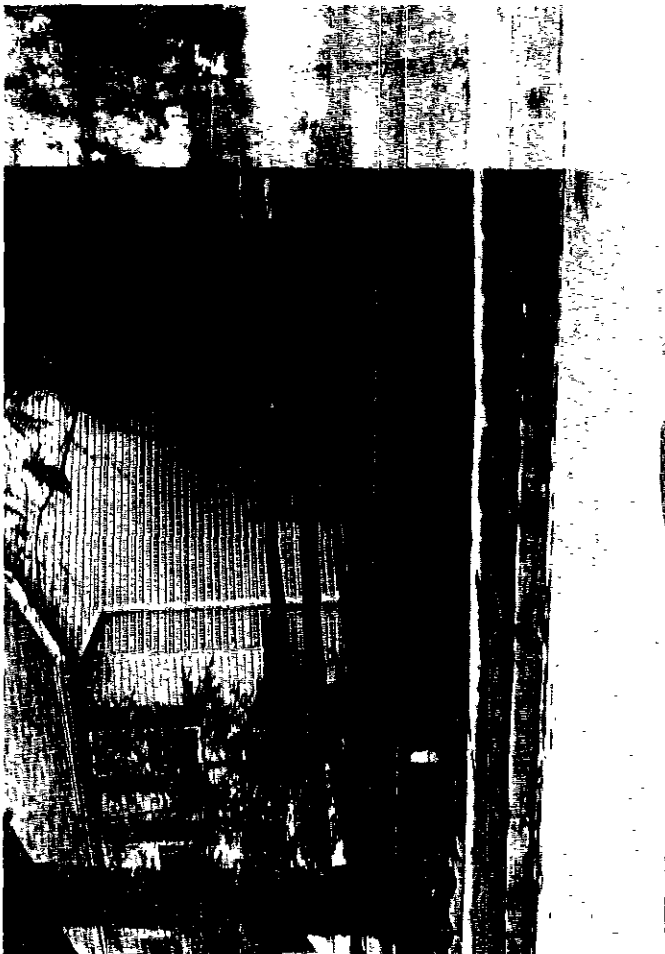
Picture shows that the fence does not block the neighbor's house, but the applicant's house and the cedar tree do block their house.



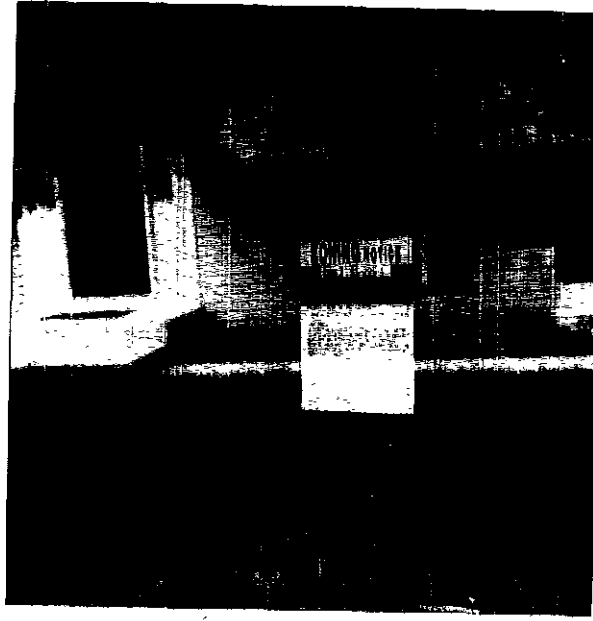
Proposed location of detached carport.

UNRECORDED

#487



95-495-A



WPS

RECEIVED

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

ANNA LOU YAKEL

1314 GLENWILDE RD

DONALD YAKEL

21228

ANNA H. KENNEDY

1317 Glenwilde Rd

21228

ROBERT L. KENNEDY

1317 Glenwilde Rd, 21228

Margaret H. Carr

1400 Glenwilde Rd 21228







PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MICROFILMED	S.W.
DATE OF PHOTOGRAPHY JANUARY 1986	CATONSVILLE	1-6

95-495-A



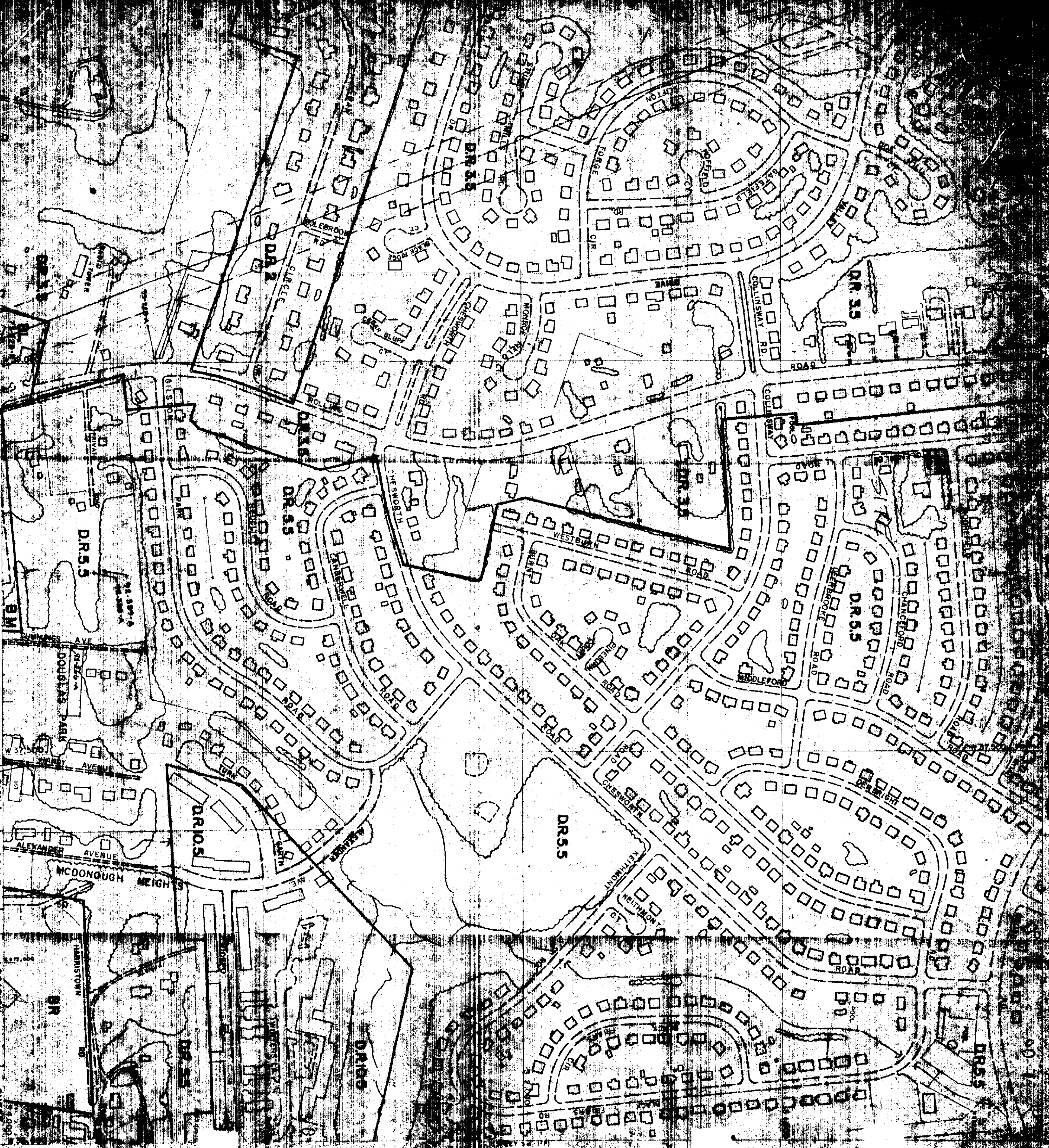
BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1993 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
On 11/15/93

SCALE  
1" = 200'

LOCATION  
CATONSVILLE

DATE  
OF PHOTOGRAPHY  
JANUARY 1995



#487  
H-564-96



ORDER RECEIVED FOR FILING  
Date 8/29/95  
By LB

ORDERS RECEIVED FOR FILING  
Date 8/22/93  
By hsp

- 2-

8/22/95  
LBP

- 3 -

DATE FOR FILING  
8/22/95  
162

- 4 -

TMK:bjs

 Printed with Soybean Ink on Recycled Paper

ORDER RECEIVED FOR FILING  
Date 8/22/15  
By LB



# 1. PRACTICAL DIFFICULTY:

- (i) Whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome.

The applicants purchased the fence in order to protect their property, enhance the beauty and worth of their property, and secure two large dogs. Unless the applicants are allowed to maintain their fence in the manner for which they were issued a permit, they will be unable to accomplish these goals. In particular, the dogs are approximately one year old and have already demonstrated that they can jump over the existing rear fence wall, which was cut down to comply with the fence height regulations. In addition, cutting the remaining portions of the fence which are non-compliant with the zoning regulations defaces the entire fence. As a result this action will decrease the property value of the applicant's home, and consequently their neighbors' homes.

Placing a carport or attached garage to the Northwest side of the house allows the applicants to build a structure which protects their vehicles and provides for additional storage space. In addition, that location (on the Moorefield road side of the applicant's house) prevents the applicants from having to build this structure directly in front of the property at 1317 Glenwilde. The currently required position of any carport or garage is on the Southeast portion of the applicants lot, which is located at the front entrance of the house at 1317 Glenwilde Road.

- (ii) Whether the grant would be substantial injustice to applicant, as well as other property owners in district, or whether a lesser relaxation than that applied for would give substantial relief.

The applicants made a strong effort to ensure the fence would be constructed legally and soundly. In this effort, the applicants researched the county ordinances regarding fences by making inquiries to the Baltimore County Office of Zoning Enforcement and the Baltimore County Office of Permits and Licenses. Acting in good faith, the applicants secured a permit through the actions of their fence contractor, Abbey-Fritz Fence Company, prior to the erection of the fence. The applicants were wholly unaware of the zoning violation of their fence until the Office of Zoning Enforcement issued them a statement regarding the violation, at the request of a neighbor. The arrangement of the applicant's property relative to their immediate neighbors is peculiar. Of the six properties derived from the former Booth estate, two fences were built, both of which are in violation of the fence height code. Both property owners (1317 Glenwilde, and 1319 Glenwilde) are now seeking a variance from the same ordinance.

# 487

The currently required position for the erection of a carport or garage is aesthetically unpleasant to the community at large. This has been made clear by a meeting of the Westview Park Improvement and Civic Association. Changing the required location would serve to both meet the applicant's needs, while serving the best interest of the community.

- (iii) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

The proposed change in the fence restrictions is only six inches, and does not deviate from the spirit of the fence ordinance, nor does it decrease public safety or welfare. The proposed construction of a carport, or attached garage at the Northwest side of the house minimizes the impact on the community, while continuing to serve the needs of the applicants.

## 2. UNDUE HARDSHIP:

- (i) Applicant must be unable to secure a reasonable return or make any reasonable use of his property.

Unless the fence is allowed to stand at 48 inches, the fence will not adequately secure the two dogs for whom the fence was built. In addition moving the fence in 10 feet from any direction would render the rear and side yard virtually unusable.

- (ii) The difficulties or hardship is peculiar to the subject property, in contrast to other properties in this zoning district.

The arrangement the applicant's property in relation to their neighbors is unique, as a result of unusual property divisions, which were drawn in such a way as to maximize the profit of the former owner and contractor, Thomas Booth.

- (iii) Hardship was not the result of applicant's own actions.

A good faith effort was made to insure that all zoning regulations and county ordinances would be met prior to construction of the fence. A builder's permit was obtained in advance outlining the proposed construction.

## Zoning Description

### ZONING DESCRIPTION FOR 1319 Glenwilde Road

Election District 1 Councilmanic District 1

Beginning at a point on the east side of Glenwilde Road which is 50 feet wide at a distance of 50 feet south of the centerline of the nearest improved intersecting street Moorefield Road which is 50 feet wide. \*Being Lot #2, Block 1300. Section #8 in the subdivision of Westview Park as recorded in Baltimore County Plat Book #64, Folio #41, containing 0.174 Acres and 7.563 Square Feet.

# 487

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st  
Posted for: 7/14/95  
Petitioner: Ronald & Rose Rodriguez  
Location of property: 1319 Glenwilde Rd, Bg, Pl  
Location of Sign: 1319 Glenwilde Rd, Bg, Pl  
Remarks: 7/14/95 - check location sign had been checked  
Posted by: [Signature]  
Number of Signs: 1  
Date of return: 7/14/95

## CERTIFICATE OF PUBLICATION

TOWSON, MD., July 14, 1995  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 13, 1995.

THE JEFFERSONIAN,

A. H. [Signature]  
LEGAL AD. - TOWSON

### NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case #95-495-A (Item 487)  
1319 Glenwilde Road, 50' S of c/l Moorefield Road  
1st Election District - 1st Councilmanic  
Legal Owner(s): Ronald Rodriguez and Rose Therese Rodriguez  
Hearing: Monday, August 7, 1995 at 11:00 a.m. in Room 118, Old Courthouse.  
Variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard and in the third of the lot farthest removed from any street; and to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches.  
Lawrence E. Schmidt  
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 867-3353.  
(2) For information concerning the file and/or hearing, please call 867-3351.  
7/13/95 487 13.

1st Election District (487) 95-495-A  
1319 Glenwilde Road  
50' S of c/l Moorefield Road  
1st Election District - 1st Councilmanic  
Legal Owner(s): Ronald Rodriguez and Rose Therese Rodriguez  
Hearing: AUG 7 1995 at 11 a.m. in Room 118 Old Courthouse.

Variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard and in the third of the lot farthest removed from any street; and to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches.

Post by: 7/23/95

Baltimore County Government  
Office of Zoning Administration  
and Development Management

### NOTICE OF HEARING

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Arnold Jablon  
Director  
Department of Permits and Development Management

cc: Ronald and Rose Rodriguez

NOTES: (1) ZONING STAFF & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3351.

ORDER RECEIVED FOR FILING  
Date: 7/14/95  
By: [Signature]

ORDER RECEIVED FOR FILING  
Date: 7/14/95  
By: [Signature]

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE: 6-26-95 ACCOUNT: R-001-915  
AMOUNT: \$85.00  
RECEIVED FROM: R. Rodriguez CITEM 487  
TOL. VARIANCE -- \$50.-  
CASH SIGN --- \$35.-  
FOR: [Signature]  
VALIDATION OR SIGNATURE OF CASHIER  
867-3353

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

### ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

#### PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 487

Petitioner: Dr. Ronald and Mrs. Rose Rodriguez

Location: 1319 Glenwilde Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Rose Rodriguez

ADDRESS: 1319 Glenwilde Road

Catonsville, MD 21228

PHONE NUMBER: 744-9318

AJ:995

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY  
July 13, 1995 Issue - Jeffersonian

Please forward billing to:

Ronald and Rose Rodriguez  
1319 Glenwilde Road  
Catonsville, MD 21228  
744-9318

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case #95-495-A (Item 487)  
1319 Glenwilde Road, 50' S of c/l Moorefield Road  
1st Election District - 1st Councilmanic  
Legal Owner(s): Ronald Rodriguez and Rose Therese Rodriguez  
Hearing: Monday, August 7, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit an accessory structure (detached carport) to be located in the side yard in lieu of the required rear yard and in the third of the lot farthest removed from any street; and to permit an existing fence height of 48 inches in lieu of the maximum permitted 42 inches.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3351.

Printed with Soybean Ink  
on Recycled Paper



Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

July 31, 1995

Mr. and Mrs. Ronald Rodriguez  
1319 Glenwilde Road  
Catonsville, Maryland 21228

RE: Item No.: 487  
Case No.: 95-495-A  
Petitioner: R. Rodriguez, et ux

Dear Mr. and Mrs. Rodriguez:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,  
*W. Carl Richards, Jr.*

-W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM  
FROM: Pat Keller, Director, OPZ  
SUBJECT: 1319 Glenwilde Road

DATE: July 26, 1995

INFORMATION:

Item Number: 487  
Petitioner: Rodriguez Property  
Property Size:  
Zoning: DR-5.5  
Requested Action: Variance  
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The applicant requests a variance to permit an accessory structure to be located in the side yard in lieu of the required rear yard and in the 1/3 of the lot farthest removed from any street and to permit a fence height of 48 inches in lieu of the permitted 42 inches.

While staff does not oppose the applicant's request, it is clear that the petitioner will need to satisfy the burden imposed upon them to prove practical difficulty and/or unreasonable hardship to justify the granting of the subject variance.

Prepared by: *Jeff M. Is*

Division Chief: *Carol L. Renna*

PK/JL

ITEM487/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
FROM: Robert W. Bowling, P.E., Chief  
SUBJECT: Zoning Advisory Committee Meeting  
For July 17, 1995  
Items 479, 481, 482, 483, 484, 487, 488, 489, 490, 491, 492, 493, 495 and 496

RE: The Development Plans Review Division has reviewed the subject zoning item and we have no comments.

RWB:sw

700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 07/13/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JULY 10, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 478, 479, 480, 481, 482, 484, 487, 488, 490, 491, 492, 493 AND 495.

RECEIVED  
JUL 19 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: ZADM  
FROM: DEPRM  
SUBJECT: Zoning Advisory Committee  
Agenda: 7/10/95

DATE: 7/18/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 478  
479  
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496  
revised 467

LS:sp

LETTY2/DEPRM/TXTSBP

Maryland Department of Transportation  
State Highway Administration

Ms. Joyce Watson  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: 487 (JRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/

RE: PETITION FOR VARIANCE  
1319 Glenwilde Road, E/S Glenwilde Rd.  
50' S of c/l Moorefield Road, 1st  
Election District - 1st Councilmanic  
Ronald and Rose Therese Rodriguez  
Petitioners

BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 95-495-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to Ronald and Rose Therese Rodriguez, 1319 Glenwilde Road, Baltimore, MD 21228, Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

MARGARET M. CARR  
1400 GLENWILDE ROAD  
CATONSVILLE, MD 21228

7 August 1995

Zoning Commissioner  
Baltimore County  
Towson, Maryland

RE: 95-495A

- 1) I object to the style of the fence, not the fence itself. However, I do understand that the posts have been cemented in the ground and to alter the fence at this point may be more detrimental than leaving it as is.
- 2) I strongly object to the placement of a carport for this home anywhere but as an attachment to the left side (corner side) of the lot. Any placement elsewhere would no be in keeping with the neighborhood, and would possible obstruct the visibility of a home that is in the direct rear of this lot.

I understand the Dr. and Mrs. Rodriguez would like to protect their cars. Other folks in our neighborhood have accomplished this by purchasing special canvas-type covers for their cars. Carports and garages are not common in our neighborhood, and as far as I know there is only one garage on our street, in a rear lot, that abuts the rear yard of another dwelling.

The anomaly of this whole situation is that this lot is in the front yard of another home. I duly respect the wishes of the inhabitants, but they, along with zoning, must realize that there is a dwelling within 20 feet of this lot and aesthetically the appearance of any structure or fence should be intelligently considered in this context.

Also, this home is an undersized home on an undersized lot. It does not conform with the rest of the neighborhood, which is of great concern to the community.

Sincerely yours,

*Margaret M. Carr*  
Margaret M. Carr

August 5, 1995

To Whom It May Concern,

I am writing in reference to the proposed and existing variances at 1319 Glenwilde Rd. I reside at 1316 Glenwilde Rd. which is across the street from this property. My concern in the issue is the appearance of the street and the impact on the value of our homes.

The homes that were built are on much smaller lots than any homes in Westview Park. I do not feel that they are conducive to additions which will be obstructive to another property. The existing fence is obstructive to 1317 Glenwilde Rd. I am objecting to a carport on the right side of the property which will further obstruct the front of 1317 Glenwilde Rd. I do not see a problem with the height of the fence or a carport being placed on the left side of the house. When deciding the issue the cosmetic appearance of the street

August 4, 1995

We, the undersigned, are residents living on Glenwilde Road in Westview Park in Baltimore County.

We are concerned about a Zoning Variance which was applied for at 1319 Glenwilde Road to allow a 48 inch fence to remain which is against County Code. A carport was also requested to be erected either on the left hand side of the home or in the rear of the same home.

There was a previous hearing on this matter and a decision was rendered by the Deputy Zoning Commissioner Timothy Kotroco March 30, 1995.

We, the neighbors, are very upset by the appearance of this fence. We feel the fence in its present configuration greatly affects the appearance of the mansion and does not conform to the uniformity of the neighborhood.

Included in the request for a variance is the erection of a carport. We also strongly object to this request for variance for the same reasons as above.

At a meeting held by the Westview Association with Mr. and Mrs. Rodriguez and the concerned neighbors several suggestions were offered. One of which was to bring the fence in approximately 8 to 10 feet only on the right hand side. This would provide a more pleasing appearance. And furthermore, there would be no objection to a carport being erected on the left side of the house.

All references to right and left in the above paragraphs are to be construed as facing the front of 1319 Glenwilde Road.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
RONALD RODRIGUEZ	1319 Glenwilde Road
ROSE RODRIGUEZ	1319 Glenwilde Road

PLEASE PRINT CLEARLY

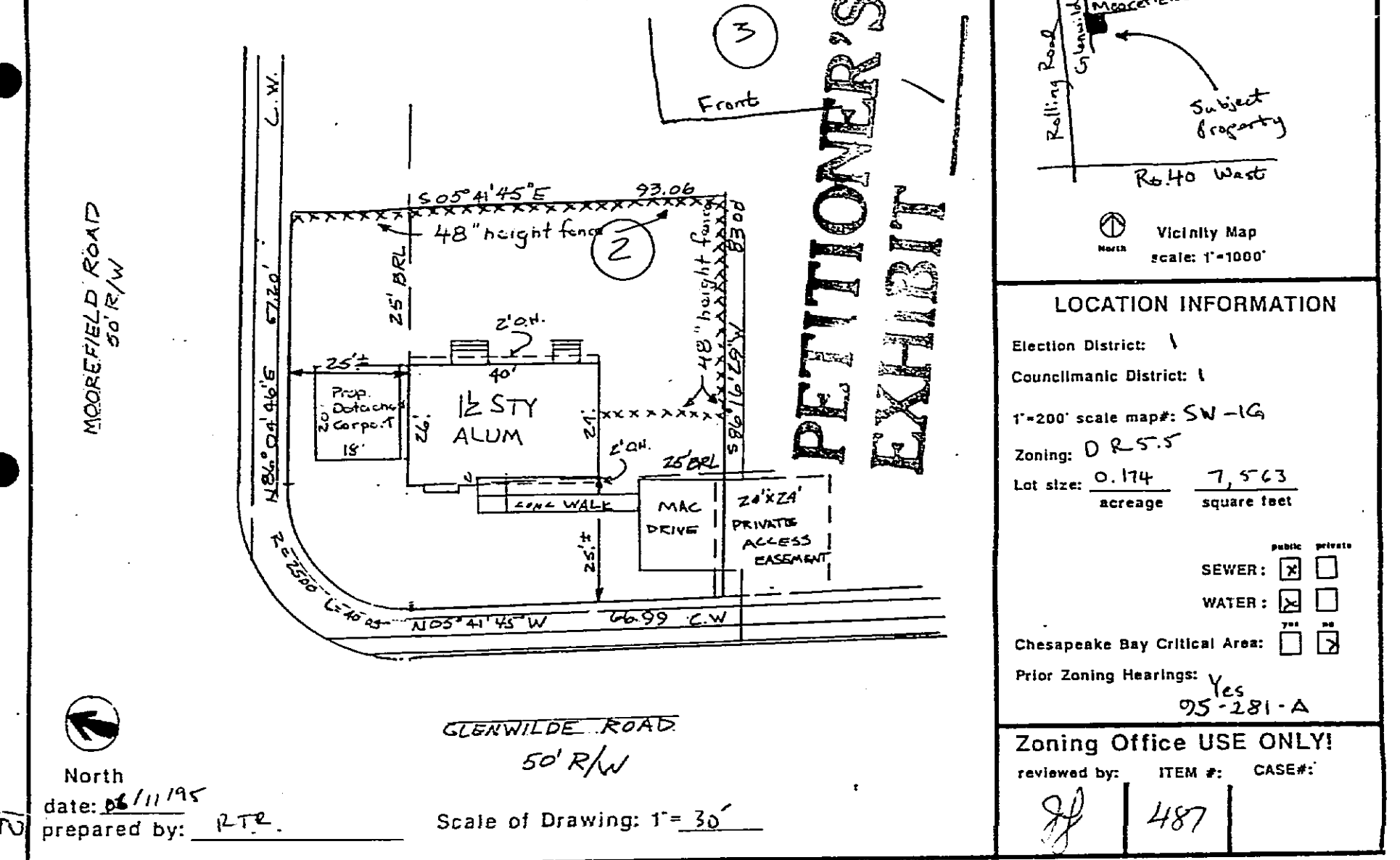
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
ANNA LOU YAKEL	1314 GLENWILDE RD
DONALD YAKEL	2132 P
JAMES H. KENNEDY	1317 Glenwilde Rd
	21228
ROBERT L. KENNEDY	1317 Glenwilde Rd. 21228
ANGEL H. COLE	1400 Glenwilde Rd 21228

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

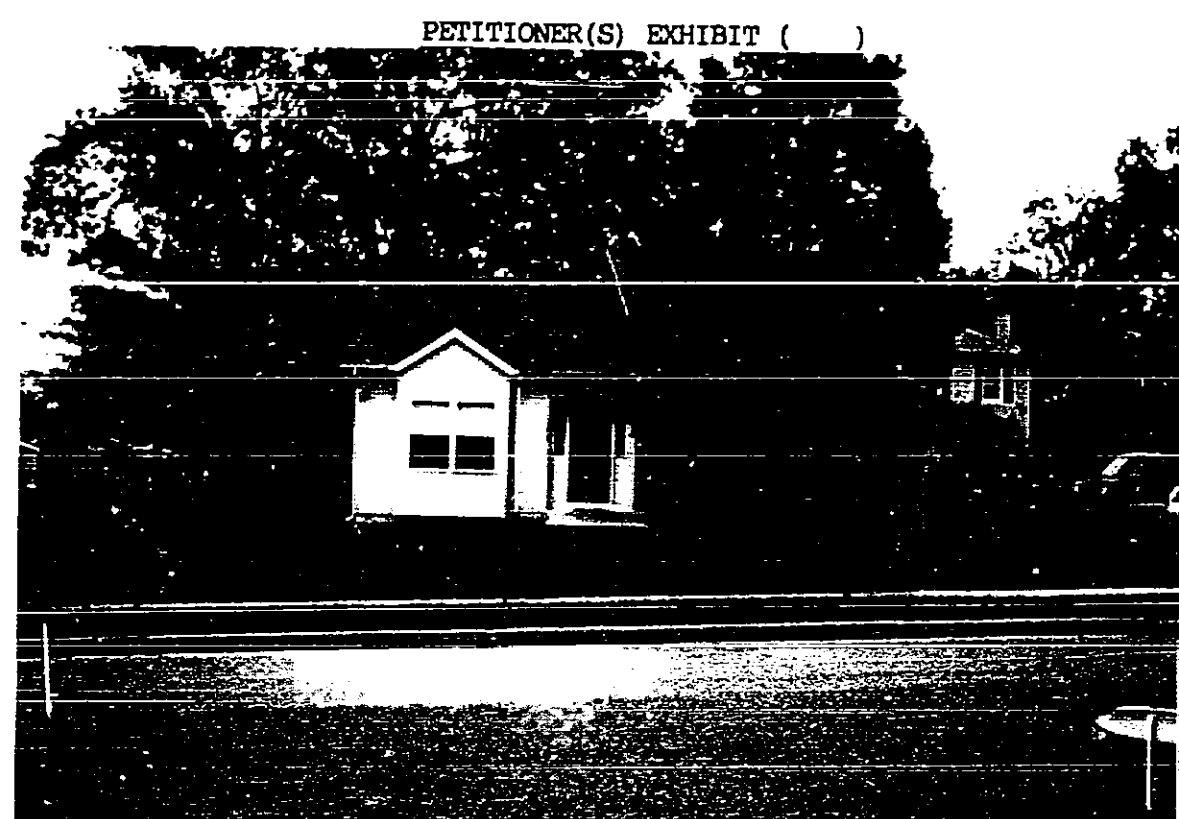
PROPERTY ADDRESS: 1319 Glenwilde Road

Subdivision name: Westview Park  
 plat book: 64, folio: 41, lot: 2, section: 8  
 OWNER: Ronald & Rose Rodriguez



LOCATION INFORMATION	
Election District:	1
Councilmanic District:	1
1"=200' scale map:	SW-1G
Zoning:	O.R.-5.5
Lot size:	0.114 acreage
Chesapeake Bay Critical Area:	Yes
Prior Zoning Hearing:	Yes
Zoning Office USE ONLY!	
reviewed by:	ITEM # 487
case #:	95-495-A

95-495-A



Pictures show that the fence does not block the neighbor's driveway, but the applicant's house and the side trees do block their driveway.



Proposed location of detached carport.

#487

95-495-A



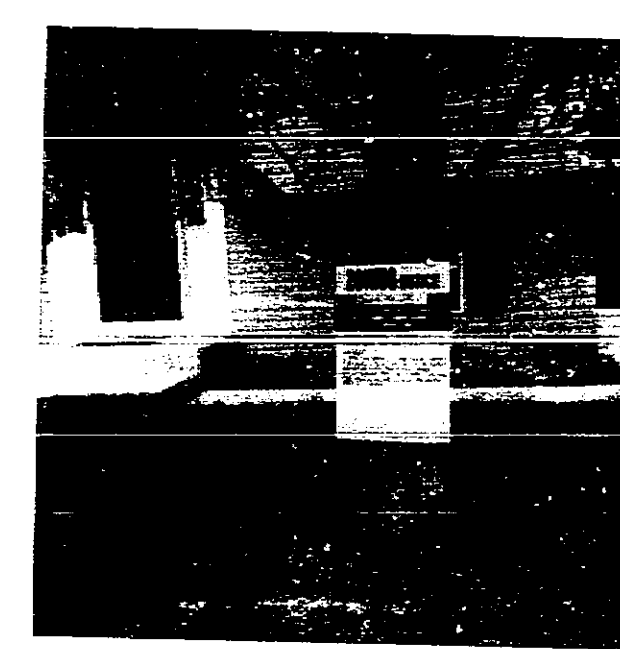
Location of side B rear yard in which section 427 applies. Note height of rear fence is 48 inches and side is 48 inches.



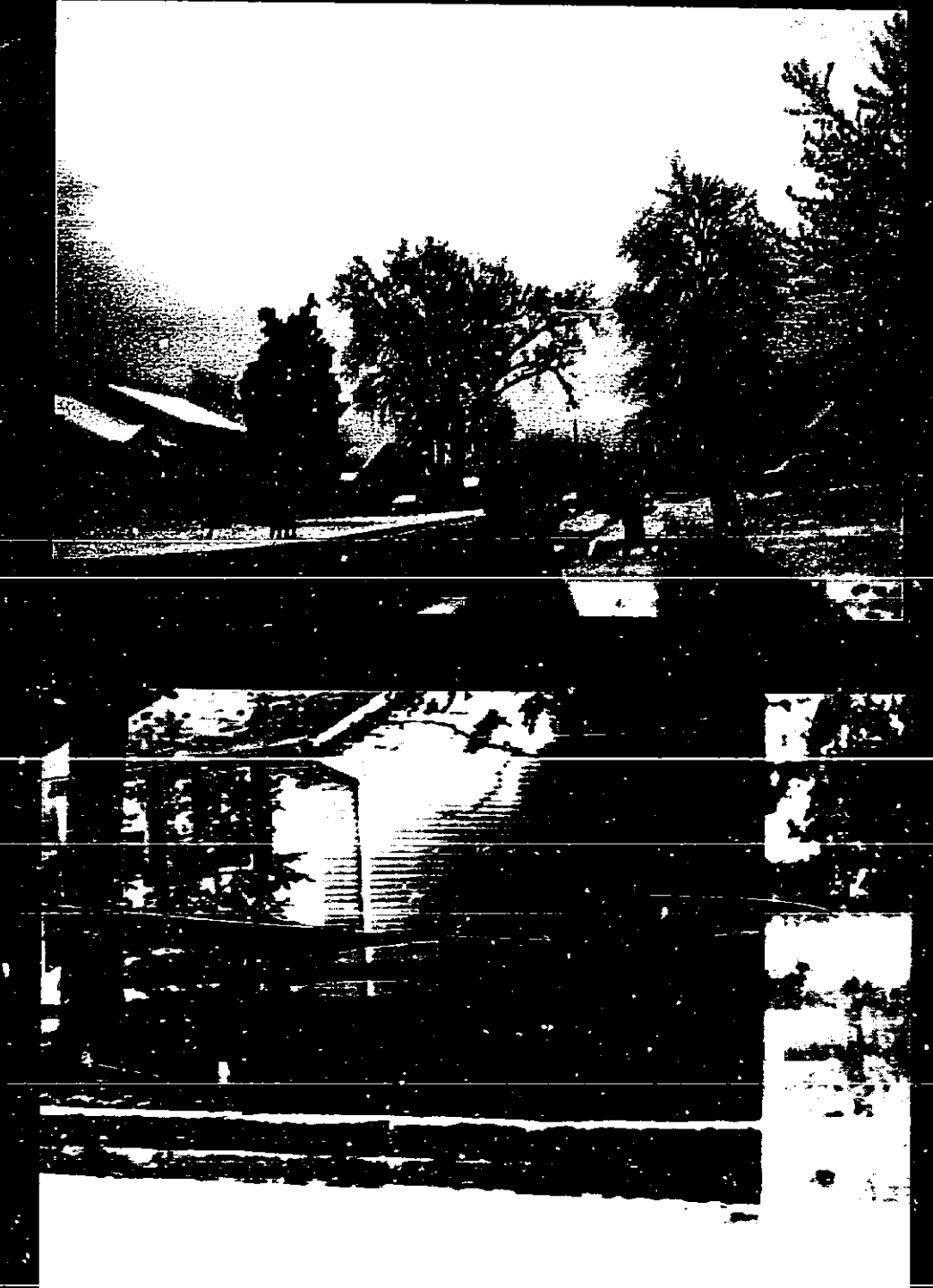
Pictures indicate that the height of the fence at 48 inches does not affect the appearance of the home neighbors house, but it does secure the protection of the dog.

#487

95-495-A

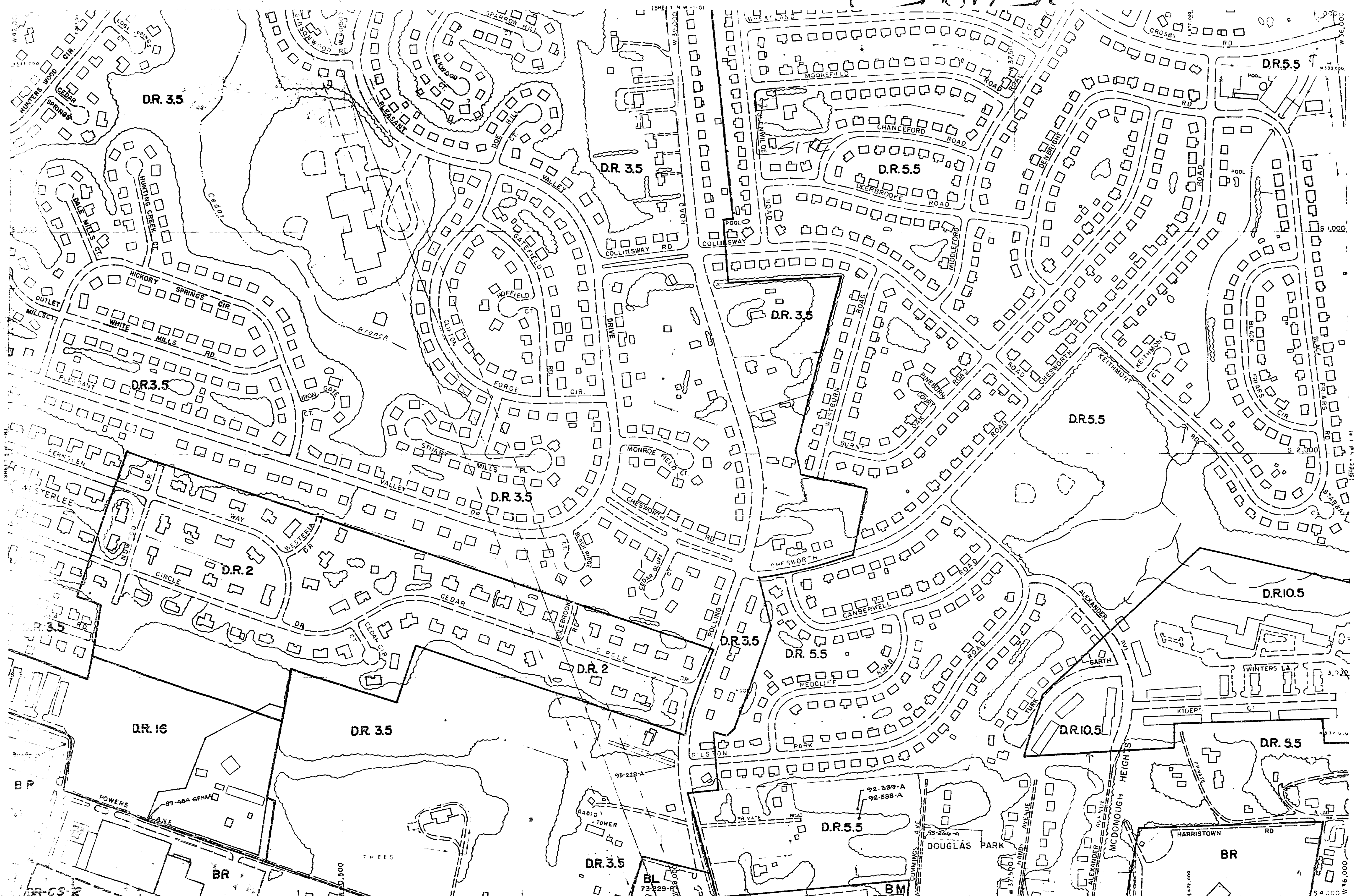


Photographs  
 Case 95-495-A





14-564-5



1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 10, 1988  
Baltimore County Council  
Chairman: County Council

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 15, 1992  
Baltimore County Council  
Chairman: County Council

SCALE 1" = 200'	LOCATION CATONSVILLE	SHEET S W 1 - 5
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THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-MORRIS, INC. BALTIMORE, MD 21210



95-495-A



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	CATONSVILLE	S.W. 1-G
DATE OF PHOTOGRAPHY JANUARY 1986		